Including non-CDL drivers with CDL drivers for the purpose of random selection skews the selection process. Because the selection process is random and some drivers may be selected more than others could mean that the CDL drivers in the pool are never selected. The whole purpose was to select CDL holders. An increase in the number of selections made does not ensure CDL holders will be selected. In theory, every time a selection is made, a non-CDL driver would be selected.

Allowing this exemption dilutes process and the intent of the regulations. If this were permitted third party administrators/consortiums would also request the same exemption which would further dilute the process.